

**REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL**

**November 3, 2003**

**9:00 a.m.**

The Council of the City of Roanoke met in regular session on Monday, November 3, 2003, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

**PRESENT:** Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, and Mayor Ralph K. Smith-----6.

**ABSENT:** Vice-Mayor C. Nelson Harris-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

**COMMITTEES-CITY COUNCIL:** A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt, and Mayor Smith-----6.

**NAYS:** NONE-----0.

(Vice-Mayor Harris was absent.)

**COUNCIL: ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET.**

**The City Manager recommended that December 26, 2003 and January 2, 2004, be observed as official holidays for City employees, inasmuch as both holidays fall on a Thursday.**

**TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL: NONE.**

**REPORTS OF COUNCIL MEMBERS IN THEIR LIAISON COMMITTEE ASSIGNMENTS:**

**Council Member Cutler presented a summary of his Council liaison committee assignments:**

**Roanoke Arts Commission:**

- **The Commission has met at various venues to which it provides grants, such as the Virginia Museum of Transportation, Explore Park, Downtown Music Lab, Center in the Square, Mill Mountain Zoo, etc.**
- **The Commission is currently working on a Public Art Plan.**

**Mill Mountain Advisory Committee:**

- **The Committee is working with the City's Department of Parks and Recreation on a Master Plan for the entire Park, including the additional 55 acres of the land that Council recently authorized for acquisition.**

**Mill Mountain Zoo Board of Directors:**

- **The Board of Directors is concerned about water pressure and water supply for the Zoo which is under consideration in the context of its budget.**

**Virginia Municipal League - Environmental Quality Committee:**

- **Meetings were held on January 23, 2003, in Richmond, and on October 20-21, 2003, in Roanoke**
- **Served on the Environmental Quality Committee**

### **Urban Forestry Task Force:**

- Task Force met on January 15, 2003
- The Urban Forestry Plan was completed and adopted by Council

### **Soil and Water Conservation District Board of Directors:**

At a recent meeting, the City of Roanoke's petition to join the Blue Ridge Soil and Water Conservation District was accepted.

Dr. Cutler was requested to provide a summary of the meeting with representatives of the Corps of Engineers and the Fish and Wildlife Service; whereupon, he advised that approximately 40 persons were in attendance, including several representatives of the Wilmington District of the Corps of Engineers, biology staff from the U. S. Fish and Wildlife Service, a majority of the City's Flood Plain Committee, Chairman of the Fish and Wildlife Department at Virginia Tech, a fish biologist from the Department of Game and Inland Fisheries, and others. He stated that the focus of the meeting related to concerns of the Fish and Wildlife Service on the latest generation of the bench cut plan that the Corps of Engineers has produced; and a concern that if the plan proceeds as the Corps of Engineers propose, removal of banks along certain sections of the river in order to increase river capacity in high water stages would be too low, and, all too frequently, water could rise above those levels, wash the soil off benches into the river channel, silt up the channel and require dredging of the river, which would not only reduce the capacity of the river to handle floods but harm fish and wildlife habitat, particularly the habitat of endangered Roanoke log perch. He stated that the Fish and Wildlife Service proposed that the benches be at a higher level so as to be out of the current of the river, except in serious flooding conditions, at which time they would serve their intended purpose. He noted that representatives of the City's Flood Plain Committee expressed frustration that the process has gone on for a number of years without any signs of construction in the river, and they were anxious for the program to move forward; the biologist from Virginia Tech and the representative of the Department of Game and Inland Fisheries were concerned, as was the Fish and Wildlife Service, over moving ahead with a plan that would be counter productive in the long term, that would appear to provide some flood relief with bench cuts but would result in more siltation, reduced capacity of water in the river, and worsening of the flooding problems, rather than alleviating problems and harming the fishery.

At the conclusion of the meeting, he stated that the Corps of Engineers, the Fish and Wildlife Service, and the City's Engineering Department agreed to meet and come to a better understanding of each other's positions.

**Dr. Cutler advised that other obvious conclusions are that much of the flood waters and siltation come from locations other than the City of Roanoke and Roanoke County, thus, there is a need to look short term at tributaries and storm water management within the City; and another issue pertains to the role of the interceptor sewer lines that form dams across the river at low water bridges, and the filling in around the piers of highway bridges that slow down the river, cause silt to drop out of the river and help to fill the river. He added that it is important for the City to develop a parallel action plan move and lower sewer crossings, to change low water bridges, to take out the fill around bridge supports in order to remove obstruction, because the only way to keep the river clear is to keep up the velocity and keep silt in the water moving, which is another issue that the City's Engineering staff must address and must be budgeted for over a period of time since it will be costly, but is important if the City is to complement the work of the Corps of Engineers by removing obstructions that have been placed in the river, sewer crossings, low water bridges and any other actions that can be taken to cause the water to flow more easily under highway bridges.**

**Discussion:**

- **If the plan is satisfactorily revised, there will be minimum siltation and sedimentation.**
- **Concern was expressed that a large number of established trees will be lost along the river bank containing root systems that are holding the river banks in place. New trees can be planted, but it will take a long time for the trees to become established and to develop the same holding power over the rocks.**
- **Part of the recommendation of the Fish and Wildlife Service is to minimize tree cutting and vegetative removal, because vegetative cover on the river banks will help to stabilize soil and minimize erosion and siltation.**
- **The potential for taking out the Niagra Dam near the Blue Ridge Parkway should be explored inasmuch as the dam does not provide a large amount of energy for American Electric Power, the reservoir is full of silt and a problem will exist if the silt is toxic.**

**Council Member Bestpitch reported on the following liaison committee assignments:**

**Roanoke Valley-Allegheny Regional Commission:**

- **The Long Range Water Supply Study has been completed, with a goal of looking at how to accommodate water supply needs over the next 50 years; and policy and technical committees will meet later this month to discuss ways to begin implementation of some of the elements of the study.**
- **The Regional Commission has initiated a regional citizens planning academy which is a four session training program that covers a variety of planning-related topics and is open to any person who is interested in learning more about regional and community planning.**
- **The Regional Commission issued a regional report card this year which cites approximately 98 different and multi-jurisdictional cooperative programs and projects.**

**Metropolitan Planning Organization (MPO):**

**The staff of the Regional Commission is working with the MPO on the Roanoke Valley Long Range Transportation Plan; and it is anticipated that the MPO will approve the long range plan in January 2004, following a public comment period and a public hearing.**

**Roanoke Neighborhood Advocates (RNA):**

**The RNA is a new organization that will provide advice on neighborhood issues, as well as education for neighborhood groups; a seven member committee was appointed by Council and the Committee will identify the remaining six members; an initial draft of the by-laws was completed and the committee is working on its strategic business plan; each of the seven members was assigned to a number of neighborhood organizations in a type of liaison role, and representatives have attended their respective neighborhood organization meetings to introduce themselves and to conduct a level of needs assessment within each organization.**

**Explore Park:**

- **The Brugh Tavern no longer operates as a restaurant, but will provide lunch on weekends when Explore Park is open for business, however, Brugh Tavern can be reserved for a private function; Explore Park appears to be moving**

away from the historical interpretive function that the Park has provided in the past to more recreational-type opportunities, such as fishing, canoeing, kayaking, birding, hiking, mountain biking trails, plans to create a playground and children's historic playhouse area, picnic shelters; staff has been reduced and much of the operation appears to have been taken over by Roanoke County; and without an interpretive staff and the same attention to historic structures, there is some question as to the kinds of attractions that will be available at Explore Park that will attract people from other areas.

- Explore Park plans to construct a replica of an 18<sup>th</sup> century fort which will open on July 3, 2004, and will be part of its tenth birthday celebration.

**Virginia First Cities Coalition:**

- The Coalition met in May and October and conducted a strategic planning session that was also attended by the City Manager in Charlottesville, Virginia; a 2004 Legislative Agenda has been drafted containing three overarching policies: to increase financial support to First Cities, to enhance redevelopment opportunities in First Cities through adoption of an urban policy and smart growth strategies, and to hold older core cities harmless from any budget balancing actions. Specific legislative recommendations are to oppose any loss in State aid or in local authority, to increase funding for education, which is the most important issue for member localities participating in the Coalition, and to support tax restructuring in a way that generates new revenues and increases State revenues to a certain degree.
- At a meeting prior to the beginning of the Virginia Municipal League Annual Conference in October, the First Cities Coalition endorsed maintaining the Council - Manager form of government in Virginia localities.
- The City Manager advised that the top priority is increased funding for special education in Virginia; whereupon, she stated that VACO and the First Cities Coalition agreed to provide Public Service Announcements that seek to mobilize the interest of citizens around the issue of education; there are certain groups that would see the issue differently in terms of whether or not there should be an adjustment to the formula that would give more weight to some of the disadvantaged issues that are experienced by the older urban cities, but education has clearly fallen behind in terms of the level of funding that has been provided by the State.

- Many localities have argued that if there were full funding of the mandates, real estate taxes could be reduced, or other budget adjustments could be made; and, it is because of that gap that localities have experienced problems and individual localities have sought to fill the gap through imposing various fees and other tax changes.

#### Fair Housing Board:

- No City Council liaison has been assigned to the Fair Housing Board, however, Mr. Bestpitch stated that he met with the Board regarding to certain issues. A process began some time ago to update the City's Fair Housing Ordinance and a draft was prepared for review by Council; during the last session of the Virginia General Assembly, the State created the Virginia Fair Housing Office, effective July 1, 2003, which assumed the responsibility of addressing fair housing issues in a different way; localities that have not appointed Fair Housing Boards in the past will not be permitted to create a Fair Housing Board in the future; and since the City of Roanoke previously appointed a Fair Housing Board, the Board may continue to function. City staff, in consultation with the City Attorney's Office, made further revisions to the ordinance, i.e.: to make the protective class classifications in the City's ordinance consistent with Federal and State law which has changed over the years, in order to delete the adjudicatory powers of the Fair Housing Board since it was believed to be a duplication of the responsibility of the new State Office and because in approximately 20 years of the Fair Housing Board's existence in the City of Roanoke, those powers have been exercised on only one occasion, which will allow for further emphasis on the educational component of the City's Fair Housing Board. The role of the Fair Housing Board would be to ensure that citizens understand their rights in regard to fair housing, as well as to advise Council on any fair housing issues of interest to the City. The Fair Housing Board objected to deletion of its adjudicatory powers; he, along with Council Member Cutler, attended a meeting of the Fair Housing Board on October 7, to hear the Board's concerns; and as a result of the meeting, Mr. Bestpitch recommended that Council approve the proposed revisions to the Fair Housing Ordinance, with one exception; i.e.: to leave adjudicatory powers in place, inasmuch as the City should be very careful about giving up a power that it may not ever be able to regain in the future due to a new State statute.

- Without objection by Council, Mr. Bestpitch recommended that City staff be instructed to draft the Fair Housing Ordinance including the proposed changes, with the exception of the adjudicatory powers to be exercised by the Fair Housing Board.
- When revising the ordinance, it should be stated that the Fair Housing Board will have an advisory role with the Council, and if fair housing issues arise that the Council should be aware of, the Board will be charged with the responsibility of bringing those issues to the Council's attention.

**Board of Directors-Total Action Against Poverty in Roanoke Valley, Inc.:**

- Council has committed to supporting additional renovation of the Dumas Hotel for certain expanded purposes; representatives of the Harrison Museum for African-American Culture was contacted with regard to occupying gallery space on the first floor of the existing building; as discussions developed, TAP decided to attempt to add a wing to the building and to completely relocate the Harrison Museum from its current location to the Dumas Hotel building, to enable the facility to become a part of the Henry Street redevelopment initiative.
- There are certain advantages to the City in having the Harrison Museum more closely connected with other arts and cultural amenities in the downtown area; there are good reasons to save the old Harrison School and for the Harrison Museum to be part of the project, but experience would suggest that the Harrison Museum is too far out of the loop when taking into consideration the passenger station renovation, the O. Winston Link exhibit, renovation of the First Street Bridge, the Virginia Museum of Transportation, the new Arts Museum and Center in the Square. If the Harrison Museum were to relocate and construct a separate building, the cost of doing so would be significantly greater than the cost of adding a wing to the Dumas Hotel; and it would be a reasonable expectation for the City to participate in construction of such a project, similar to that which was done for the Grandin Theater and the Arts Museum, therefore, a case can be made for reevaluating the City's level of participation in the overall project, and the possibility of an additional funding commitment to the Dumas project for that purpose.
- The Mayor advised that the Harrison Museum is not easily accessible by visitors to the City of Roanoke; Center in the Square has made efforts to embrace the Harrison Museum as a part of the Center Museum and cultural hub; the chance of success for the Harrison Museum will be greater if and



when it becomes a part of Center in the Square, or in the middle of the City Market area; and there are persons who stand ready to invest private dollars in the effort, should the Harrison Museum choose to relocate.

- Dr. Cutler agreed that the Harrison Museum is difficult to locate by persons not familiar with the City of Roanoke, but the Harrison Museum, the Dumas Drama Guild and the Downtown Music Lab all fit together in an expanded Dumas Hotel, and could become a part of the reason for persons to visit that section of the City, in addition to the Higher Education Center and Eight Jefferson Place, and the Ebony Club, etc. He added that the Harrison Museum is part of the African-American community and offers a unique concentration of features; as a member of the Harrison Board, he stated that there are two constant themes; i.e.: the need to protect the old Harrison School as an architectural landmark and a continuing sense of concern that the Harrison Museum, as a unique entity, might get lost in the shuffle in the larger complex of Center in the Square activities. He stated that the Harrison Museum would be better suited in the Dumas Hotel rather than Center in the Square. Mr. Fitzpatrick expressed concern in regard to allocation of Community Development Block Grant funds; separately, for Dumas Hotel improvements when Council has set a policy to move forward in a different direction; and there should be a concentrated effort to keep these kinds of activities together so that they coordinate.
- Council Member Dowe advised that the sustainability of the Harrison Museum is far greater and far more important than many persons realize as an education synergy is created because Roanoke has the advantage of an African-American Museum which is a unique venue throughout the Commonwealth of Virginia; there will be funding challenges in regard to the Dumas/Harrison project because there are few of minority professionals in the Roanoke Valley that could be tapped as potential funding sources; the City's financial-support may not be consistent with Community Development Block Grant funding policy established by Council, but it is important for the City to identify a way to help the Harrison Museum for the greater good of the City of Roanoke.
- Council Member Wyatt advised that the Dumas Hotel is not the only TAP project and if funding exceptions are made for TAP, requests of other organizations should be honored as well.
- Council Member Bestpitch advised that Council should continue to abide by its established policy in regard to dispensing Community Development Block Grant funds; it is unclear as to the reasoning by TAP for identifying a funding source; there will be benefits to the downtown area and to the Henry Street area if the Harrison Museum is relocated from Harrison Avenue to the Dumas

Hotel building, and any investment in downtown Roanoke will benefit other downtown projects. He stated that he would take the remarks of Council back to TAP, and advised that TAP has a history of starting projects and then spinning them off, such as the Southwest Virginia Food Bank, the water project, CHIP, Project Discovery, all of which are currently independent from TAP. He mentioned the possibility of the eventual goal of turning the property over to a Foundation, the long term goal of which would be to maintain the real estate for those institutions housed in the facility.

- Council Member Wyatt advised that TAP has a history of requesting funds and not meeting its obligations to the City, which is of concern to her as one Member of Council. She referred to a previous funding request of TAP that the City was later requested to forgive; TAP later requested \$500,000.00 over a five year period in \$100,000.00 increments per year, with the understanding that it would meet its financial obligations, however, a full year has not passed in that process and TAP is again requesting additional funds. She stated that even through the Dumas Hotel is a worthy project, there are other worthy projects in the City to be considered, and Council has a responsibility to look at both sides of the issue since taxpayers' dollars are involved, and because the City has been requested to spend \$900,000.00 over the course of less than two years to fund one project.

#### Higher Education Center:

- Mr. Bestpitch referred to a communication from Dr. Thomas McKeon, President, Roanoke Higher Education Center, in regard to funding for a capital project. He advised that the Higher Education Center is a state institution, governed by a Board of Directors, appointed by the General Assembly, and the City of Roanoke has no input regarding appointments. He stated that he was not aware of any other localities where state institutions of higher education are located that provide local funding for capital projects; however, consideration should be given to the fact that the building is technically owned by a for profit entity which was created for the purpose of taking advantage of certain historic tax credits; and the Higher Education Center is not a for profit entity, therefore, the only way the facility can pay real estate taxes to the City is through operating funds. He explained that the arrangement with the for profit entity was for a five year period which will expire in approximately two years, at which time the property will be deeded over to the State and the City will no longer collect real estate taxes. He questioned whether the City of Roanoke should collect real estate taxes on a state operation; the City cannot technically give the Higher Education Center an exemption from paying real estate taxes, but the City could provide a grant back to the facility for operation of the Center in an equivalent amount to what the Higher Education Center pays in real estate taxes, or approximately

**\$21,000.00 per year. Additionally, he advised that Dr. McKeon referred to certain remodeling that was done to accommodate the needs of the Blue Ridge Technical Academy to provide additional classroom space, in which he noted that because the Higher Education Center did not have actual funding for the remodeling, rent was collected in advance from the Roanoke City School System in an amount to cover remodeling costs and no rent was charged for a certain period of time until the school system caught up. He suggested that the Higher Education Center and the City's School System revisit the issue to determine how the Higher Education Center could be reimbursed for the cost of remodeling the space, and the school system could request the City to partner with them on a capital project.**

**Virginia Municipal League:**

- **Mr. Bestpitch advised that the Annual Conference of the Virginia Municipal League will be held in Alexandria in 2004, the 100<sup>th</sup> anniversary of the VML will be held in Richmond in 2005, Virginia Beach in 2006, in James City/County in 2007 to commemorate the 400<sup>th</sup> anniversary of the founding of Jamestown, and in Norfolk in 2008. He requested that Council support a request for the City of Roanoke to invite the Virginia Municipal League to return to the City of Roanoke in 2009.**
- **Mr. Bestpitch referred to a communication from R. Michael Amyx, Executive Director, Virginia Municipal League, commending the City of Roanoke on a job well done in connection with VML Host City Night which was held on October 20, 2003, on the Roanoke City Market.**

**Roanoke Valley Convention and Visitor's Bureau:**

- **Council Member Fitzpatrick reported on the Roanoke Valley Convention and Visitors Bureau and advised that a ribbon cutting ceremony for the new Visitors Information and Conference Center facility will be held on November 6 at 10:00 a.m., which represents a milestone for the City of Roanoke.**

**Virginia CARES Board of Directors:**

- Council Member Wyatt reported on the Virginia CARES Board of Directors which has experienced a difficult year, funding-wise; and additional funds were approved by the Governor that enabled Virginia CARES to operate for at least another six months.

**Roanoke Civic Center Commission:**

- Ms. Wyatt called attention to problems associated with ice that does not freeze on the Civic Center Coliseum floor prior to Roanoke Express Hockey games which has become an embarrassment to the City of Roanoke.
- The City Manager advised that she would investigate the matter.

**Roanoke Regional Cable Television Committee:**

- Council Member Dowe expressed appreciation to Council for adopting the new franchise with Cox Communications Roanoke.

**Personnel Committee:**

- Council Member Dowe advised that he is the newly appointed Chair of the City Council's Personnel Committee and also serves on the Roanoke Regional Chamber of Commerce.

**The Hotel Roanoke Conference Center Commission:**

- Mayor Smith advised that although business is down, The Hotel Roanoke Conference Center is doing well when compared to other venues across the state or the country because corporate expenditures have been reduced; room night occupancy rate for Hotel Roanoke is up and profile events such as the VML Conference increased attendance and usage of the facility. He stated that the Blacksburg Conference Center and The Hotel Roanoke Conference Center may be managed by the same management team in the future which will better Roanoke's ties with Virginia Tech.

The City Manager advised that the following items were discussed by the Council at its planning retreat on September 5, 2003; however, Council did not reach a consensus.

- Provide RVTV coverage of informal Council briefings and joint sessions of the Council with certain Council appointed committees
- Brief introduction by the City Manager of items listed under the City Manager's section of the agenda
- Display announcements read by the Mayor at the beginning of the Council meeting on a screen in the Council Chamber
- Televisе a summary of the Council meeting on RVTV Channel 3 immediately following each session
- Electronic voting by the Mayor and Members of Council as a time saving measure  
Following discussion, it was the consensus of Council that:
- Work sessions will not be televised. Meetings to be televised with various Council appointed committees will be determined in advance, by the Council, on a case by case basis.
- The agenda item number will be read by the Mayor, and the City Clerk will read the title paragraph of the ordinance or resolution. If the title paragraph of the measure does not provide an adequate explanation of the agenda item, the Mayor will provide additional information.
- At least 15 minutes prior to each Council meeting a summary of the Council agenda will be televised on RVTV Channel 3.
- Following each Council meeting and prior to the rebroadcast of the meeting, a summary of agenda items will be televised by RVTV Channel 3.

(There was no discussion regarding the issue of electronic voting by the Council.)

#### **BRIEFINGS:**

The City Manager introduced a briefing with regard to traffic calming activities in the Memorial Avenue/Grandin Road area.

Robert K. Bengtson, Director, Public Works, advised that plans for Grandin

Road improvements (Memorial Avenue to Westover Avenue) have been fully developed and shared with the Greater Raleigh Court Civic League and the Grandin Village Merchants, and plans were endorsed by other organizations. In his presentation, he reviewed plans from various diagrams including widened sidewalks, curb extensions at corners, new street trees (European Hornbeam and Crepe Myrtles), stamped crosswalks (colored), and on-street parking.

He further advised that plans for the next phase of Memorial Avenue (Cambridge Avenue to Grandin Road) have been developed in concept only and need to be presented to the public; plans were developed to be a continuation of the Grandin Road improvements, rather than matching the recent changes on Memorial Avenue (bridge area); the new Memorial Avenue concept includes widened sidewalks, curb extensions at corners, street trees (Maples), stamped asphalt crosswalks, gateway features, on street parallel parking, reduction in entranceways, and coordination with Virginia Heights Elementary School for site improvements, including retaining wall, fence and school sign; and the new concept does not include bike lanes.

The City Manager advised that City staff is ready to proceed with the design, pursuant to approval by Council and availability of funds.

The City Manager introduced a briefing with regard to the Franklin Road and Elm Avenue interchange.

Mr. Bengtson advised that the Franklin Road and Elm Avenue intersection was originally designed in anticipation that Franklin Road might one day be widened south of Elm Avenue, hence, two through travel lanes were built for southbound traffic approaching the Elm Avenue intersection. He stated that two options were recently developed that would eliminate one of the through lanes at this location; of the two, the preferred option widens the existing median area, thus eliminating the existing left turn lane; the left turn lane can be re-established in one of the through lanes which leaves one of the existing through lanes in place to serve through traffic movement; and the median on the south side of the intersection can likewise be widened and median areas would then be landscaped. He noted that the other option, which was not selected, was to eliminate the right turn lane.

The City Manager advised that with the concurrence of Council, City staff will proceed with the modification.

There being no further business, the Council meeting was declared in recess to be reconvened at 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, November 3, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building,

215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding.

**PRESENT:** Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with prayer by The Reverend E. T. Burton, Pastor, Sweet Union Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**PROCLAMATIONS/RECYCLING:** The Mayor presented a proclamation declaring Saturday, November 15, 2003, as America Recycles Day.

**PROCLAMATIONS-LIBRARIES:** The Mayor presented a proclamation declaring Saturday, November 15, 2003, as Valley Bookfest Day.

**CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

**MINUTES:** Minutes of the regular meeting of Council held on Monday, September 15, 2003, were before the body.

Mr. Harris moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Fitzpatrick was not in the Council Chamber when the vote was recorded.)

**EASEMENTS-CITY PROPERTY:** A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, Council is required to hold a public hearing on the proposed conveyance of property rights; whereupon, she requested that Council hold a public hearing on Monday, November 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Plantation Pipeline Company for an easement on Official Tax No. 4321020, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Fitzpatrick was not in the Council Chamber when the vote was recorded.)

**COMMITTEES-ROANOKE CIVIC CENTER:** A report of qualification of Calvin H. Johnson and Thomas G. Powers, Jr., as members of the Roanoke Civic Center Commission, for terms ending September 30, 2006, was before Council.



Mr. Harris moved that the report of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was not in the Council Chamber when the vote was recorded.)

**COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER:** A report of qualification of Minnis E. Ridenour as a Commissioner of The Hotel Roanoke Conference Center Commission, for a term ending June 30, 2005, was before Council.

Mr. Harris moved that the report of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was not in the Council Chamber when the vote was recorded.)

#### REGULAR AGENDA

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS:**

**PARKS AND RECREATION-DISABLED PERSONS:** John Elliott, President, Virginia Association of the Blind, Shenandoah Division, addressed Council with regard to funding for the Therapeutic Division of Roanoke County's Parks and Recreation V. I. P. Program for the visually impaired. He advised that the City of Roanoke appropriates \$9,800.00 per year for the Roanoke County Therapeutic Program, \$6,600.00 of which is designated for the Visually Impaired Program, and there appears to be an inequity in funding inasmuch as 40 per cent of program participants reside in the City of Roanoke.

Mr. Chris Smith, a participant of the Visually Impaired Program, advised that

the program is instrumental in arranging for and providing recreational activities for visually impaired persons which enables them to build, develop and enlarge their social, physical, and emotional well being. He explained that staff of the VIP Program organize a monthly luncheon with round trip transportation, cooking classes, ceramic classes, physical exercise walking classes, dinner/theater plays, etc.; VIP staff assist participants on a one-on-one basis as necessary during each class event; the program provides printed materials in an accessible format, Braille or large print; and staff read programs for various plays and musicals at theaters and provide a descriptive analysis throughout the event to increase the content and meaning for visually impaired participants. In summary, he stated that the Visually Impaired Program is a well balanced and designed recreational program in the Roanoke area.

Ms. Velma Spangler, 2311 Crystal Spring Avenue, S. W., commended the work of the staff under the direct supervision of Ms. Betsy Dennis.

Without objection by Council, the Mayor advised that the matter would be referred to the City Manager for report to Council.

#### **REPORTS OF OFFICERS:**

##### **CITY MANAGER:**

**DEPARTMENT OF TECHNOLOGY-CITY EMPLOYEES:** The City Manager introduced John Elie, Director of Technology.

**BRIEFINGS:** (See pages 21-22)

##### **ITEMS RECOMMENDED FOR ACTION:**

**INDUSTRIES:** The City Manager submitted a communication advising that Blue Hills Drive, which provides access for industries located in the Roanoke Center for Industry and Technology (RCIT), has been extended as needed to serve the various parcels as developed; and an extension to Blue Hills Drive needs to be completed to allow for industrial access to the remaining parcels in the RCIT.

It was further advised that Council previously adopted Resolution No. 36296 050503 requesting that the Commonwealth Transportation Board provide financing up to \$450,000.00, on a matching basis, from the Industrial, Airport and Rail Access Fund for final extension of Blue Hills Drive; the measure also authorized the City Manager to execute the necessary documentation to accept funds; the City's request was approved by the Board on September 17, 2003, which approval is of a bonded nature, and means that the City would be required to pay back any funds received if the required development does not occur at RCIT; and an account

should be established to accept funds received by the City.

The City Manager recommended that Council adopt an ordinance appropriating funds to Account No. 008-052-9632-9007 - RCIT Infrastructure Extension, in the Capital Projects Fund, and establish a revenue estimate in the same amount.

Mr. Dowe offered the following ordinance:

(#36535-110303) AN ORDINANCE to establish a revenue estimate and appropriate funding for the Blue Hills Drive Extension, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36535-110303. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

**LEASES-COMMONWEALTH OF VIRGINIA BUILDING:** The City Manager submitted a communication advising that on July 1, 1985, the City began leasing space in the Commonwealth Building, 210 Church Avenue, S. W., to the Commonwealth of Virginia, Department of General Services/Division of Engineering and Buildings; the Department of General Services located several departments of the Commonwealth on the ground, first, and third floors of the property; over the years, various departments have moved throughout the building based on space needed; currently, the Department of Fire Programs is leasing approximately 4,800 square feet on the first floor and has determined that current space is more than is needed; and although the current lease will expire on June 30, 2005, the Department of Fire Programs has expressed a desire to relocate to a smaller office at a location which is better suited for accommodating large fire safety equipment that is periodically required to park at the site.

It was further advised that the United States General Services Administration also leases space in the Commonwealth Building for the United States Bankruptcy Court; The Bankruptcy Court has outgrown its space on the 2<sup>nd</sup> floor of the building and desires to expand its operation within the Commonwealth Building; and The Bankruptcy Court has identified space needs as being close to the size of the space being vacated by The Department of Fire Programs.

**It was explained that the Department of Fire Programs has requested that the City amend the current lease agreement, reducing the total footage currently being leased to the Department of General Services by 4,800 square feet, to enable the Department of Fire Programs to be relocated to the newly identified office space; The United States Bankruptcy Court has agreed to begin leasing the space upon vacation by the Department of Fire Programs and appropriate renovation of space; and a lease with The Bankruptcy Court will be presented to Council for approval at a future public hearing.**

**It was noted that current rent paid by the Department of General Services for space is \$10.51 per square foot per year, for an annual rental amount of \$50,868.40; the General Services Administration's rental rate will be structured to recover all costs associated with renovation of the space, with a market rate increase to base rent; based on the loss of The Department of Fire Programs as a tenant in December 2003, countered by the gain of The Bankruptcy Court as a tenant in early 2004 with higher rental rates, the net effect on rental revenue is expected to be neutral for fiscal year 2004, with an increase projected for fiscal year 2005.**

**The City Manager recommended that she be authorized to execute the Lease Amendment authorizing the Department of General Services to decrease the amount of space being leased in the Commonwealth Building and permitting the Department of Fire Programs to vacate the building, effective December 1, 2003.**

**Mr. Dowe offered the following ordinance:**

**(#36536-110303) AN ORDINANCE authorizing the amendment of an existing lease agreement between the City of Roanoke and the Commonwealth of Virginia, Department of General Services/Division of Engineering and Buildings, by reducing the amount of square footage being leased in the Commonwealth Building located at 210 Church Avenue, S. W.; authorizing the release of the Lessee from a portion of the leased premises, upon certain terms and conditions, and dispensing with the second reading of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Dowe moved the adoption of Ordinance No. 36536-110303. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.**

**NAYS: None-----0.**

**DIRECTOR OF FINANCE:**

**DIRECTOR OF FINANCE-AUDITS-FINANCIAL REPORTS:** The Director of Finance submitted the Financial Report for the month of September, 2003.

Without objection by Council, the Mayor advised that the September Financial Report would be received and filed.

**REPORTS OF COMMITTEES: NONE.**

**UNFINISHED BUSINESS: NONE.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:**

**CITY COUNCIL-ELECTIONS:** Council Member Wyatt called attention to her campaign for the House of Delegates; whereupon, she expressed appreciation to her opponents, Gary Bowman and William Fralin, for conducting positive political campaigns.

**CITY COUNCIL-ELECTIONS:** Council Member Bestpitch called attention to the Vaccinate and Vote Campaign through the Community Based Immunization Project. He advised that on Election Day, November 4, 2004, representatives of the Vaccinate and Vote Program will be present at 27 of the City's voting precincts to provide information on the program, and flu vaccinations will be given from 9:00 a.m. to 2:00 p.m., at Preston Park Elementary School.

**VIRGINIA MUNICIPAL LEAGUE:** Council Member Bestpitch referred to a communication from R. Michael Amyx, Executive Director, Virginia Municipal League, commending the City of Roanoke for its hospitality in hosting the Annual Conference of the Virginia Municipal League on October 19-21, 2003. He advised that pursuant to action of the Council at its 9:00 a.m. work session, the Virginia Municipal League will be invited to return to the City of Roanoke in 2009.

**ARMORY/STADIUM-ENVIRONMENTAL POLICY-ROANOKE CIVIC CENTER:** Council Member Bestpitch referred to concerns that have been raised regarding the land on which the City plans to construct a stadium/amphitheater at Orange Avenue and Williamson Road. He read an excerpt from a communication from Faulkner and Flynn, Engineers, stating that, "The scope of the investigative work, the extent of the City's removal and the quantitative nature of the risk analysis performed by the City of Roanoke on this site far exceeds the general criteria for performing an environmental assessment in accordance with industry standards. The City of Roanoke has demonstrated with a high degree of certainty that the subject site does not and will not pose an unacceptable risk to human health or the environment".

Mr. Bestpitch advised that according to scientific evidence, there is no health risk associated with people who will use the stadium/amphitheater site at Orange Avenue and Williamson Road, and no health risk to persons who live as far away as the other side of I-581. He stated that unless someone can produce scientific evidence to the contrary, he will rely on the advice of experts who have spent a considerable amount of time and effort working on the site, involving more than that which is typically associated with an environmental assessment.

**FIRE DEPARTMENT-POLICE DEPARTMENT:** The Mayor referred to questions regarding new security alarm permit requirements of the City. He stated that Council previously authorized a fee relative to false alarms under certain conditions, but he was not aware of the provision for a \$25.00 fee for the first call and \$20.00 annually thereafter.

The City Manager advised that two false alarm ordinances were adopted by the Council, one with regard to alarms responded to by the Fire Department and a second for alarms responded to by the Police Department, both of which contain a registration fee for a business activity, effective January 1, 2004; therefore, the notification and education period has commenced. She called attention to provisions for a fee for false alarms following a certain number of false alarms within any given calendar year, and advised that a copy of the report detailing the proposed revisions will be forwarded to Council.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**ARMORY/STADIUM:** Mr. John E. Kepley, 2902 Morrison Avenue, S. E., inquired as to Council's reasons for voting to construct a new sports complex, which will ultimately result in the tearing down of the present Victory Stadium; how much do the plans for the new Bio Tech Research Center play in the Council's decisions; how much does Carilion Health System play in the equation; does Carilion want the land on which Victory Stadium now stands; were funds and other benefits given to certain Council Members during past Councilmanic elections in order to influence their votes; why did Council Member Fitzpatrick and Vice-Mayor Harris vote to reconsider the matter; and why did Council Member Fitzpatrick and Vice-Mayor Harris not fight to save Victory Stadium. He stated that Council Member Dowe's vote was considered to be the swing vote, which sealed the decision for the new complex, whereupon, he questioned whether Mr. Dowe's vote was politically motivated. He advised that if Victory Stadium is torn down, the City will be destroying the heritage of thousand's of Roanokers.

Mr. Robert E. Gravely, 929 Loudon Avenue, N. W., presented a document with regard to a complete investigation for all wrong doings and that actions are taken on behalf for the citizens and the work force. He would like to be presented by the City to the Circuit Court and suggested that the document he submitted to the Circuit Court.

He advised that more taxes are being imposed on the citizens of Roanoke, people are moving out of the City, Roanoke is becoming less and less of a vibrant city, the City spent \$300,000.00 on a branding design that could have been done by local high students for \$1,000.00 - \$5,000.00; and the City's work force is not adequately compensated for their work.

**COMPLAINTS-CITY GOVERNMENT:** Mr. Robert E. Gravely, 929 Loudon Avenue, N. W., appeared before Council and submitted the following request: "On behalf of the Citizens of Roanoke and the City work force, the following have been requested: For a Spiritual inquisition on Roanoke City Council and appointed personnel to be present to discuss issues on how the City of Roanoke is being miss managed and how the City Treasure is being used. A demand has been requested for a complete investigation for all wrong doings and that actions are taken on behalf of the citizens and the work force. That a Spiritual deposition be given to put "Gods" salvation in place".

**ARMORY/STADIUM:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., referred to the decision of Council to construct a stadium/amphitheater at the Orange Avenue and Williamson Road site which will lead to dire economic and health consequences for future adults and their children, because the \$18 million recreation and entertainment facility will be constructed on an incompletely tested hazardous waste field. She stated that the proposed stadium/amphitheater site, in its entirety, has not been tested and may not be free of all hazardous materials, yet excavation continues by persons who are not qualified to evaluate contaminated material. She stated that it will not take that much more time or money on the part of the City to ensure for future generations of Roanokers that the facility is constructed on a safe and environmentally tested site.

**COUNCIL:** The Mayor advised that earlier in the day, Council Members discussed various suggestions in regard to how Council might communicate agenda items in a better way to those citizens watching the proceedings on RVTv, Channel 3 whereupon, he invited citizens to share their suggestions for improvements.

**CITY MANAGER COMMENTS:**

**CITY EMPLOYEES:** The City Manager recommended that City offices be closed on December 26, 2003 and January 1, 2004.

Mr. Bestpitch offered the following resolution:

(36537-110303) A RESOLUTION closing certain City offices on Friday, December 26, 2003, the day after Christmas, and Friday, January 2, 2004, the day after New Year's; and providing for additional holiday leave for all City employees.

Mr. Bestpitch moved the adoption of Resolution No. 36537-110303. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

**NAYS:** None-----0.

At 3:05 p.m., the Mayor declared the meeting in recess for one briefing and one Closed Session.

At 3:10 p.m., the Council meeting reconvened in the Council's Conference Room for a briefing on boundary line adjustments with all Members of the Council in attendance, Mayor Smith presiding.



**BOUNDARY LINE ADJUSTMENTS:** The City Manager advised that Roanoke County has approached the City of Roanoke with a proposed boundary adjustment for several properties - Vinyard Park and Rockydale Quarries; the Roanoke County Administrator and the City Manager have discussed adjusting the boundary line between the County and the City to benefit both jurisdictions; boundary adjustments consist of the following: (1) moving 57.88 acres of Vinyard Park from the City to the County, (2) moving 7.02 acres of land owned by Rockydale Quarries from the County to the City, and (3) moving approximately 38 acres of land associated with the Roanoke Regional Water Pollution Control Plant from the County to the City.

**Vinyard Park** - Roanoke County owns two parcels of land located within City boundaries; the two parcels are in the area that is used by the County as a public park and soccer field (Vinyard Park); and adjusting the boundary line for the 57.88 acres places the Vinyard Park parcels within Roanoke County, thus consolidating the park land within one municipality.

**Rockydale Quarries** - The bulk of the Rockydale Quarries facility is located in the City, 4754 Old Rocky Mount Road; however, as the result of an exchange transaction with the Parkway several years ago, Rockydale Quarries acquired a 7.2 acre parcel of land which is located within Roanoke County; in this portion of the Valley, the Parkway serves as the dividing line between the City and the County; the boundary adjustment would, in effect, establish the Blue Ridge Parkway as the dividing buffer between the City and the County, as well as consolidate Rockydale Quarries Corporation facility property within one municipality.

Mr. Bestpitch advised that he did not object to the recommendation of the City Manager; however, he did not understand some of the verbiage in the communication which could reappear in some form as the process moves forward. In regard to Rockydale Quarries, he stated that the communication states that, "in this portion of the valley the Parkway serves as a dividing line between the City and the County", which is confusing because the City's boundary does not extend all the way down to the Parkway. Therefore, he stated that it would appear that some clarification is in order.

Mr. Fitzpatrick cautioned that Norfolk Southern should be used on all documents in lieu of Norfolk and Southern Railroad.

The Mayor spoke to the importance of open communication with the citizens of the above referenced areas.

The Mayor inquired if there were objections by Council to the proposal presented by the City Manager, to which no Member of Council expressed a concern or objection.

At 3:30 p.m., the Council convened in Closed Session in the Council's Conference Room.

At 3:45 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

**NAYS:** None-----0.

**COMMITTEES-LIBRARIES-OATHS OF OFFICE:** The Mayor advised that there is a vacancy on the Roanoke Public Library Board created by the death of Betty B. Parrott, for a term ending June 30, 2006; whereupon, he opened the floor for nominations.

Mr. Fitzpatrick placed in nomination the name of Sam G. Oakey, III.

There being no further nominations, Mr. Oakey was appointed as a member of the Roanoke Public Library Board to fill the unexpired term of Betty B. Parrott, deceased, ending June 30, 2006, by the following vote:

**FOR MR. OAKEY:** Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

**COMMITTEES-YOUTH:** The Mayor advised that there is a vacancy on the Youth Services Citizen Board; whereupon, he opened the floor for nominations.

Mr. Fitzpatrick placed in nomination the name of Juan D. Motley.

There being no further nominations, Mr. Motley was appointed as a member of

the Youth Services Citizen Board, for a term ending May 31, 2006, by the following vote:

**FOR MR. MOTLEY: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt and Mayor Smith-----7.**

At 3:50 p.m., the Mayor declared the meeting in recess until Friday, November 14, 2003, at 12:00 noon, at the Salem Civic Center, Parlor C, 1001 Boulevard, Salem, Virginia, for the Regional Leadership Summit with General Assembly Representatives.

The City Council meeting reconvened on Friday, November 14, 2003, at 12:00 noon at the Salem Civic Center, Parlor C, 1001 Boulevard, Salem, Virginia, for a meeting of representatives of the Regional Leadership Summit.

**PRESENT: Council Member Alfred T. Dowe, Jr., and Mayor Ralph K. Smith-----2.**

**ABSENT: Council Members William D. Bestpitch, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., C. Nelson Harris and Linda F. Wyatt-----5.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; and Sheila N. Hartman, Assistant City Clerk.**

Also present were: Senator John S. Edwards, Senator-elect J. Brandon Bell, Delegate H. Morgan Griffith, Delegate Ward L. Armstrong, Delegate-elect William H. Fralin, Jr.; Wayne G. Strickland, Secretary, Fifth Planning District Regional Alliance; and members of City Councils/Boards of Supervisors and staff of the following localities: Alleghany County, Botetourt County, Franklin County, Roanoke County, City of Covington, City of Roanoke, City of Salem, Town of Clifton Forge, Town of Rocky Mount and Town of Vinton.

Wayne G. Strickland, Secretary, Fifth Planning District Regional Alliance, congratulated members-elect to the General Assembly, and referred to the Regional Legislative Agenda as follows:

**EDUCATION:** Joeseeph McNamara, Chairman, Roanoke County Board of Supervisors, stated that the General Assembly should fully fund the Standards of Quality (SOQ's), and that the Commonwealth has an obligation to fund the Standards of Quality on the basis of realistic costs -- reflecting actual educational practices to include capital, operating and maintenance costs.

**TAXING AND FUNDING:** Mayor Carl E. "Sonny" Tarpley, Jr., City of Salem, stated that the General Assembly should eliminate the distinction in taxing authority of Virginia's cities and counties; counties should possess the same authority as cities to levy taxes on tobacco products, lodging, meals and admissions; the Tax Commission has recommended elimination of the distinction in taxing authority; and the General Assembly should not limit or restrict existing local revenue sources.

W. Wayne Angell, Chairman, Franklin County Board of Supervisors, stated that the Commonwealth should move aggressively to reform its tax system, inasmuch as two study commissions have been established to examine the problem of funding state and local governments, without any major movement toward tax reform. He further stated that a new Tax Code Study Commission was recently established, the General Assembly should encourage the Commission to complete its work and act on the Commission's recommendations to ensure that Virginia's tax system is fair and aligns service delivery responsibilities with revenue sources at the state and local level. He added that Franklin County collected real estate and personal property taxes of approximately \$21.5 million, but the amount did not equal their local allocation for schools of \$23,028,000.00. He expressed Franklin County's willingness to be of assistance in working through the difficult task of tax reform.

Mayor Temple L. Kessinger, Jr., City of Covington, stated that funding for Virginia's Regional Competitiveness Program (RCP) was eliminated in 2002, and the General Assembly should fund this important program. He further stated that the Commonwealth established the RCP in 1996 and more than 227 regional projects throughout Virginia have been supported by RCP funds, each dollar being leveraged with \$19 of non-state funds; and that Roanoke Valley-Alleghany region RCP funds have been used to support regional industrial parks, workforce development/education, tourism and infrastructure development.

**LOCAL AUTHORITY:** Mayor Kessinger stated that the General Assembly should not pass legislation that takes away local government authority over land use issues; for example, legislation may be considered in an upcoming session that will require manufactured housing to be permitted "by right" in all residential zoned districts, and such legislation would directly affect the power of local councils and boards to control land use in their communities. He further stated that each locality should make decisions based upon what is best for their locality and encourage legislators to leave land use decisions to the individual localities.

**TRANSPORTATION:** Stephen P. Clinton, Chairman, County of Botetourt, stated that the General Assembly should require VDOT to identify a funding mechanism to expedite the widening improvements to I-81, inasmuch as I-81 is the economic lifeblood of Western Virginia and improvements to the highway will enhance safety and promote the economy of this region; communities in Western Virginia cannot wait 40-50 years for widening of I-81 to take place since the area of I-81 in Botetourt County is considered to be one of the deadliest stretches of roadway, with 19 lives having been lost in 2001 alone. He stated that North Carolina intends to widen I-95 at a cost \$3 billion and will use tolls to help offset the cost, and the project will create a large number of jobs in that area. He further stated that he was aware that resolutions have been adopted by local jurisdictions supporting the rails initiative, but economic and technological benefits have yet to be proven, and requested that legislators not lose sight of the capacity and safety needs of I-81. In addition, he stated that the General Assembly should fund the Smart Road with funds other than those allocated for the Salem Transportation District, since this highway facility represents an economic benefit for the entire Commonwealth and the nation and, as such, should not come solely from this region's highway allocation.

Mayor Ralph K. Smith, City of Roanoke, stated that the Commonwealth should plan for development of rail freight along I-81 to complement the widening of the interstate, with the purpose of moving a large volume of the long-distance freight traffic from trucks to freight trains on dual high-speed rails parallel to I-81; the General Assembly should fund implementation of passenger rail service in the Roanoke to Bristol corridor; and rail service would provide a good multi-modal addition to highways and airports currently serving the region. He stated that localities are in favor of both freight and passenger rail service in the area, but this initiative should not slow down the improvements to I-81. He further stated that

localities want their fair share of funding from state government; and tax restructuring could be achieved by all localities agreeing to be revenue neutral and becoming more efficient in the tax system. He mentioned that AirTran has a website and requests input from citizens as to where they would like air service next, and requested that interested parties go to the website and type "Roanoke" in the "other" category.

Mayor Donald L. Davis, Town of Vinton, stated that localities need help on important issues of the region and requested that they be given the authority to do their jobs and the funds to serve their citizens; and asked that legislators proceed to get things accomplished and to work together as a team to bring funds and improvements to the western part of the state.

#### **COMMENTS BY LEGISLATORS:**

Senator John S. Edwards stated that the Governor has advised that there needs to be an additional \$525 million added to public education to stay even; \$1 billion of new money is needed in the bi-annual budget to stay even; colleges need \$397+ million to make up for erosion of state funding; the state is not investing as it should to ensure prosperity; the state is in the worst fiscal crisis since World War II, and the General Assembly is not responding as it should; 34 jurisdictions agree that improvements need to be made to I-81, in addition to rail initiatives; a Bill will be considered creating an authority to study transportation issues; the cost of freight rail service could be offset by a surcharge on freight; freight rail service would reduce the number of large trucks on I-81 which start in one state and end in another, making Virginia a "bridge state", and these trucks do nothing for Virginia's economy.

Senator-elect J. Brandon Bell requested that representatives of various localities provide information to him by December 17, 2003, inasmuch as the budget must be presented to the General Assembly on December 20, 2003; he expects to receive considerable information and requests feed back from representatives as quickly as possible; he will make a reserved judgment in considering issues brought to the General Assembly that might be beneficial or detrimental to Southwest Virginia; and he will try to align himself with committee assignments that are open to him, especially a seat on the Transportation Committee, so as to maintain the balance that previously existed with representation throughout the state.

Delegate H. Morgan Griffith referred to the handout setting forth the calendar for reviewing bills and stated that he supports streamlining the process for reviewing bills introduced to the General Assembly, and reducing the number of bills from 3,200 to about 2,800 bills per year. He cautioned that there will be challenging years ahead; inflation is an issue; the budget has grown in ten years from under \$30 billion to about \$52 billion; a downturn in the economy changed funding

projections; and he supports re-benchmarking the SOQ's. He stated that he supports a rail component, but not at the abandonment of widening I-81, as population growth demands improvements; freight rail service will help address the problem of freight trucks traveling from Georgia to New York, but Virginia is also an important distribution state, and local trucking companies cannot be overlooked. He further stated that there is a watch list and he does not want to create too many authorities that will not have the full faith and credit of the Commonwealth behind their bonds, wherein could cause the loss of AAA bond rating; he is not in immediate agreement concerning passenger rail service in the Roanoke Valley, but as a realist, he knows that there must exist a society and a population mass within the corridor being served by the rails to make it feasible and, for business reasons, he would place the matter on the back burner until it is shown that there will be enough support to make passenger rail service in the area feasible. He added that another problem is the taxing authority for cities and counties, rural counties do not operate the same as cities, for example, VDOT takes care of snow removal for counties, but cities must remove and pay for their own snow removal. He agreed that taxing authority must be reviewed as a comprehensive package and suggested that representatives via the Internet, to watch for bills that may affect their localities, to familiarize themselves with the bills and to contact him as soon as possible so that amendments may be submitted as bills are considered and voted upon; and requested that representatives use the direct telephone line to his office rather than the toll free number.

(For full text, see Joint Rules Committee Calendar for the balance of 2003 and for the 2004 General Assembly Session on file in the City Clerk's Office.)

Delegate Ward L. Armstrong stated that the SOQ's are grossly underfunded; I-81 improvements will be a tough fight; the Southwestern Virginia delegation to the General Assembly must begin to think and work regionally because delegates from the Northern Virginia, Tidewater and Richmond areas make up 75% of the total number of delegates; the Governor's tax reform plan will soon be unveiled and some localities will gain and some will lose; \$1 billion must be cut from the budget in addition to the \$5 billion which was previously cut, making a total of \$6 billion to be cut over a period of three years, with all cuts coming from non-education areas; and it is not believed that significant relief will come from the General Assembly; however, with the economy appearing to be turning around, state revenues may begin to change by January 2005. He further stated that while Virginia is a low tax state, the temptation to raise taxes, as well as to lower taxes, should be resisted; the situation with I-81 must be addressed inasmuch as it is the most dangerous roadway in the Commonwealth of Virginia and perhaps the nation; he does not foresee sufficient funds being made available in the next two years to address the rail issue; and he looks forward to working with area delegates for the betterment of Southwest Virginia.

Delegate-elect William H. Fralin, Jr. stated that he is excited about the opportunity to work with other representatives in the district; area representatives must stick together on issues, considering the influence of Northern Virginia; he would like to work in partnership with other legislators for the benefit of Southwestern Virginia and to address cultural issues affecting the area; he looks at this area of Virginia as the "Southwest Virginia Team", representing and working for the same citizens; and requested that citizens contact him at his direct telephone number (540) 776-7499.

**OTHER BUSINESS/ANNOUNCEMENTS:**

Mr. Strickland stated that there will be a Mayors and Chairs meeting in December, 2003, at a date and location to be announced at a later date.

There being no further business, the Mayor declared the meeting of Roanoke City Council adjourned at 1:45 p.m.

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
City Clerk

**Ralph K. Smith**  
Mayor

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